ITEM# **5**3

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Request for Approval of Final Master Plan and Developer's Commitment

Agreement for Tuscany PlaceTownhomes PUD (aka Beasley Property) -

(Thomas Daly, applicant)

DEPARTMENT: Planning & Development DIVISION: Planning					
AUTHORIZED BY: Do	on Fisher	CONTACT:	Jeff Hopper	EXT.	<u>7431</u>
Agenda Date 11/26/02	Regular 🖂	Consent	Work Session	Briefin	g 🗌
	Public He	aring – 1:30 [Public Hear	ing – 7:	00 🗌

MOTION/RECOMMENDATION:

- 1. APPROVE the request for approval of Final Master Plan and Developer's Commitment Agreement for Tuscany Place Townhomes PUD, located at the southwest corner of Sunset Lane and Tuskawilla Road, including approximately 6.66 acres, based on findings made at the meeting (Tom Daly, applicant); or
- 2. DENY the request for approval of Final Master Plan and Developer's Commitment Agreement for Tuscany Place Townhomes PUD, based on findings made at the meeting; or
- 3. CONTINUE the item until a date certain.

(District 1 – Commissioner Maloy)

(Jeff Hopper, Senior Planner)

Co Attv:

File No RPDP01

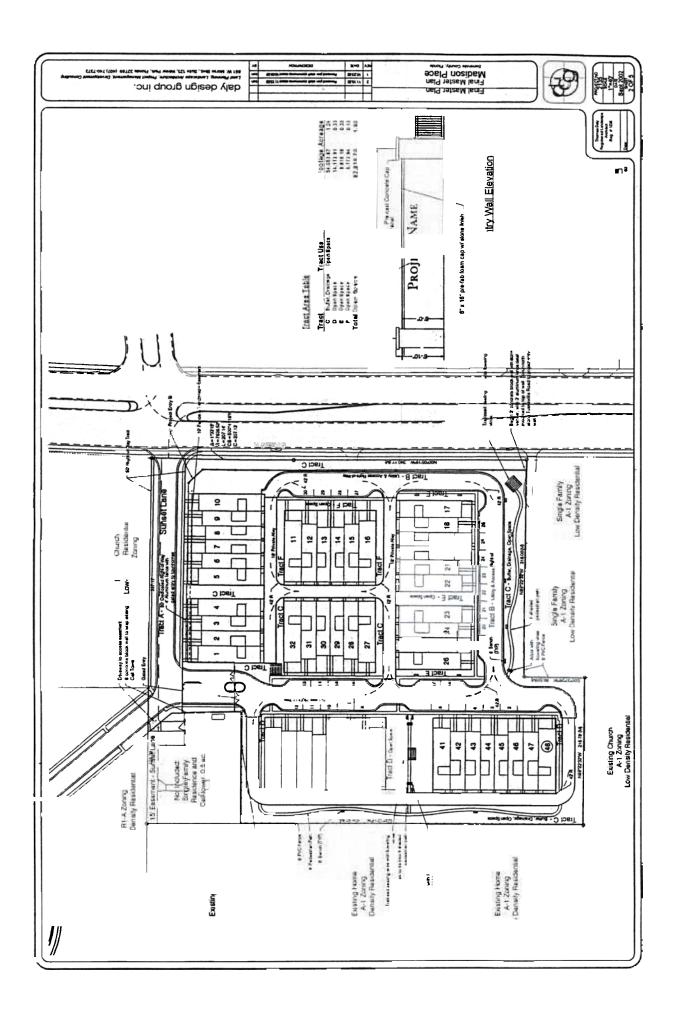
BACKGROUND:

The applicant, Tom Daly, requests approval of the Final PUD Master Plan and Developer's Commitment Agreement for Tuscany Place in order to develop 48 townhouse residential units on a 6.66-acre site.

The Board approved the Preliminary PUD plan on the project on July 23, 2002. The zoning approval permitted townhouse units at a density of approximately 9.7 units per net buildable acre. (Staff calculations indicate a net density of 9.14 units per acre on the Final Master Plan.) The developer is providing extensive buffering and landscaping on the east, west and south property lines. Screen walls and hardscape features adjacent to Tuskawilla Road will have a stone veneer finish to complement the existing subdivision on the east side of Tuskawilla Road.

STAFF RECOMMENDATION:

Staff feels the proposed Final PUD Master Plan and Developer's Commitment Agreement are consistent with the Preliminary Master Plan and approved development order, and the <u>Vision 2020</u> Plan. Therefore, staff is recommending approval of the Final Master Plan and Developer's Commitment Agreement.



TUSCANY PLACE PUD

FKA BEASLEY PROPERTY

FINAL PUD MASTER PLAN DEVELOPER'S COMMITMENT AGREEMENT

On the 26th day of November 2002, the Board of County Commissioners of Seminole County issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1 <u>LEGAL DESCRIPTION:</u>

See Exhibit "A"

2. **PROPERTY OWNERS**

Emmette & Joan Beasley 1500 Tuskawilla Road Oviedo, FL 32765

3. REQUESTED DEVELOPMENT APPROVAL

Approval of Developer's Commitment Agreement and Final Master Plan, attached as Exhibit "D."

4. STATEMENT OF BASIC FACTS

A. Total Area: 6.16 Acres
 B. Zoning: Planned Unit Development
 C. Proposed Net Residential Density 9.14 units per net buildable acre*
 D. The development approval sought is consistent with the Seminole County

D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.

E. The Owner of the property has expressly agreed to be bound by and subject to

F. The development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforedescribed property.

5 LAND USE BREAKDOWN

LAND USE	AREA	% OF SITE
Attached Single-Family Residential	6.16	92.5%
Existing single family home and cell tower (out-parcel)	0.50	7.5%

*Net density is calculated as follows:

site area – internal road R/W = net buildable area. net density = # units ÷ net buildable area. 6.16 ac (site area) – 0.91 ac (road R/W) = 5.25 acres 48 units ÷ 5.25 ac = 9.14 units per net buildable acre

6. OPEN SPACE AND RECREATION AREA

Total Residential Land Area:

6.16 acres

Required Open Space:

25% = 6.16 acres x 0.25 = 1.54 acres

Open Space Provided:

1.89 Acres

Recreational amenities provided:

benches

walking trail

3 trellises (with paved floors and bench seating)

2 arbors

7. BUILDING SETBACKS

North (Sunset Lane)	25'
Tuskawilla Road	50'
West property line	50'
South property line	50'

Minimum Building Setbacks on Residential Lots

Front	20'
Side	0,
Rear (alley)	18'
Minimum building separation	20'

8. PERMITTED USES

- attached single family dwelling units (townhouses)
- single family homes
- home offices
- home occupations common recreation areas

9. LANDSCAPE & BUFFER CRITERIA

East Property Line (Tuskawilla Road)

• Three 3' half wall with decorative fencing on top. Landscaping to consist of street trees, 50' on center, shrubs and ground cover. The wall will have a stone finish facing Tuskawilla road.

South Property Line

• A 6-foot PVC fence shall be installed along the entire south property line. This fence shall be owned and maintained by the homeowners association. Trees will be planted 4/100°.

West property Line

• A 6-foot PVC fence shall be installed along the entire west property line. This fence shall be owned and maintained by the homeowners association. Trees will be planted 4/100'

Northern Property line

• A 10' fence and landscape easement will be provided adjacent to the dedicated right of way for Sunset lane.

10. <u>DEVELOPMENT COMMITMENTS</u>

- A The developer shall dedicate 50' of right of way along the north boundary of the subject property for use as right of way for joint use with the neighboring subdivision on property described in Exhibit "B."
- B. Screen walls and hardscape features adjacent to Tuskawilla Road will have a stone veneer finish to complement the existing subdivision on the east side of Tuskawilla Road.
- C. Rear sides of units will not face Tuskawilla Road.
- D. The site will not be elevated above Tuskawilla Road.
- E. The development shall bear its pro-rata share of costs for the signalization, when warranted, at Sunset Lane (cost shall be determined during final engineering review and deposited in escrow with the County prior to issuance of a Certificate of Occupancy for the first building).
- F. Building appearance shall be similar to designs presented at the public hearing, as shown in Exhibit "C" attached hereto.
- G. No building shall exceed two stories or 35' to the eave elevation.
- H. This project shall not be marketed or designed to accommodate student housing.
- I. No accessory buildings shall be allowed on individual lots within the residential portions of this project, excluding detached garages.
- J. Lighting along the western and southern property boundaries will be limited to ornamental fixtures affixed to the buildings.

WATER, SEWER AND STORMWATER

<u>Water:</u> Water services shall be provided by Seminole County.

Sanitary Sewer: Sanitary sewer shall be provided by Seminole County.

<u>Stormwater:</u> Stormwater drainage and stormwater management shall be provided on the adjacent parcel (Tuscany Creek) as described in Exhibit "B", according to Seminole County regulations. This off-site stormwater system must be approved concurrently and constructed concurrently with Final Subdivision Plan approval and permitting. <u>Fire Protection:</u> Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrant shall be located according to Seminole County regulations.

12. PHASING

The development will be constructed in one (1) phase. The off-site stormwater facility must be provided as part of an on-site construction permit.

13. STANDARD COMMITMENTS

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. This developer's commitment agreement touches and concerns the aforedescribed property, and the conditions, commitments, and provisions of the

developer's commitment agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.

D. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

ATTEST:	BOARD OF COUNTY COMMISSIONERS SEMINOLE COUNTY, FLORIDA
MaryAnne Morse	Daryl G. McLain
Clerk to the Board of County	Chairman
Commissioners Seminole	

County, Florida

As authorized for execution by the Board of County Commissioners at their November 26, 2002, regular meeting.

OWNERS' CONSENT AND COVENANT

The undersigned	l parties hereby ag	gree to the terms and conditions set forth herein this
day of	, 2002:	
WITNESSES:		OWNER:
Printed Name		Emmette A. Beasley
Printed Name		
STATE OF FLORIDA COUNTY OF SEMINOI	LE	
2002, by Emmette A. Be	strument was ackn easley, an individu as identificat	owledged before me this day of, al, who is personally known to me or who produced tion.
		Signature of Notary Public
		(Print Notary Name) My Commission Expires: Commission No.: Personally known or Produced Identification Type of Identification Produced

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby	y agree to the terms and conditions set forth herein this
_day of, 2002:	
WITNESSES	OWNER:
Printed Name	Joan Beasley
Printed Name	
STATE OF FLORIDA COUNTY OF SEMINOLE The foregoing instrument was a 2002, by Joan Beasley, an individual, w as identification.	acknowledged before me this day of who is personally known to me or who produced
	Signature of Notary Public
	(Print Notary Name) My Commission Expires: Commission No.:

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Begin 777.5 North of the Southeast corner of the NW ¼ of the NE ¼ of section 25, Township 21 South, range 30 East, Seminole County, Florida; thence run West 360 feet, thence South 86.5 feet, thence West 619.5 feet, thence North 639 feet to the North line of said NW ¼ of the NE ¼, thence East to the Northeast corner of said NW ¼ of NE ¼ and South to point of beginning.

(Less the West 400 feet thereof.)

Subject to a right-of-way for over and across the North 15 thereof for ingress & egress.

EXHIBIT B

LEGAL DESCRIPTION OF ADJACENT PROPERTY TO SHARE JOINT ACCESS

PARCEL A

THAT PART OF THE SW ¼ OF THE SE ¼ AND THE SE ¼ OF THE SE ¼ OF SECTION 24, TOWNSHIP 21S, RANGE 30E, LYING SOUTH OF HOWELL CREEK AND WEST OF TUSKAWILLA ROAD (LESS BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF TUSCAWILLA ROAD AND A POINT OF 535 FEET NORTH OF THE SOUTH LINE OF SAID SW ¼ OF THE SE ¼ RUN WEST PARALLEL TO THE SOUTH LINE OF SAID SW ¼ OF SAID SE ¼ 231.07 FEET; THENCE NORTH 175 FEET; THENCE WEST 259.5 FEET; THENCE NORTH TO HOWELL CREEK; THENCE EASTERLY ALONG HOWELL CREEK TO THE WESTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD; THENCE SOUTHERLY TO THE POINT OF BEGINNING; ALSO LESS THE SOUTH 495 FEET THEREOF).

ALSO LESS A PARCEL DESCRIBED AS:

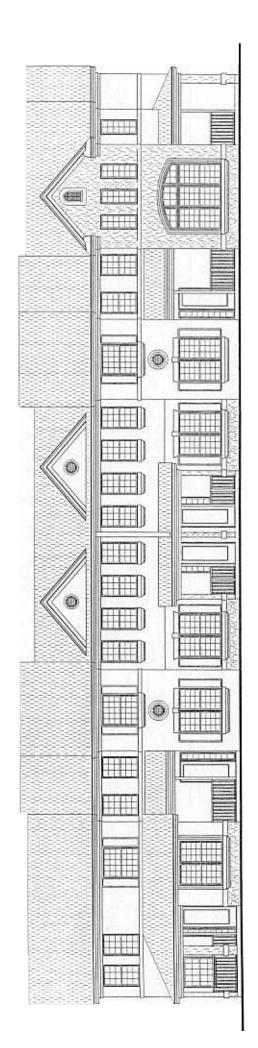
COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N 00°20'23" E ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 495.01 FEET TO THE SOUTH LINE OF THE NORTH 40 FEET OF THE SOUTH 535 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N 89°18'04" W ALONG SAID SOUTH LINE 3.12 FEET TO THE POINT OF BEGINNING ON THE EXISITNG WEST RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD AS SHOWN ON THE RIGHT-OF-WAY MAP OF SEMINOLE COUNTY PROJECT NO. PS-041, TUSKAWILLA ROAD; THENCE CONTINUE N 89°18'04" W ALONG SAID SOUTH LINE 32.12 FEET; THENCE RUN N 04°08'45" E A DISTANCE OF 24.15 FEET TO THE POINT OF CURVATURE WITH A RADIUSOF 7575.70 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 15.94 FEET THROUGH A CENTRAL ANGLE OF 00°07'14" TO THE NORTH LINE OF THE SOUTH 535 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN S 89°18'04" E PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 24 A DISTANCE OF 35.84 FEET TO SAID EXISTING WEST RIGHT-OF-WAY LINE: THENCE RUN S 09°26'22" W 40.47 FEET TO THE POINT OF BEGINNING NO. 2, CONTAINING THEREIN 1,359 SQUARE FEET MORE OR LESS.

PARCEL B

THE SOUTH 495 FEET OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, LESS THE EAST 400 FEET OF THE SOUTH 395 FEET THEREOF, OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. (LYING WEST OF TUSCAWILLA ROAD) AND LESS A PARCEL DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N 00°20'23" E ALONG THE EAST LINE OF THE SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 395.01 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE SOUTH 495 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N 89°18'04" W ALONG SAID SOUTH LINE 17.02 FEET TO THE POINT OF BEGINNING ON THE EXISTING RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD AS SHOWN ON THE RIGHT-OF-WAY MAP OF SEMINOLE COUNTY PROJECT NO. PS-041, TUSKAWILLA ROAD; THENCE CONTINUE N 89°18'04" W ALONG SAID SOUTH LINE 24.98 FEET; THENCE RUN N 04°12'23" E 100.19 FEETTO THE NORTH LINE OF THE SOUTH 495 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN S 89°18'04" E ALONG SAID SOUTH LINE A DISTANCE OF 32.12 FEET TO SAID EXISTING WEST RIGHT-OF-WAY LINE; THENCE RUN S 09°26'22" W ALONG SAID EXISTING WEST RIGHT-OF-WAY LINE 31.24 FEET TO A POINT ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1170.92 FEET AND A CHORD BEARING OF S 07°44'06" W; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID EXISTING WEST RIGHT-OF-WAY LINE 69.66 FEET THROUGH A CENTRAL ANGLE OF 03°24'31"TO THE POINT OF BEGINNING, CONTAINING THEREIN 2,798 SQUARE FEET MORE OR LESS.





Front Elevation Seminole County, Florida

